

**EXHIBIT****A**

Filed in Otoe District Court

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**IN THE DISTRICT COURT OF OTOE COUNTY, NEBRASKA**

JENNIFER FLOWERS,	)	CASE NO. CI 24-
Plaintiff,	)	
	)	
vs.	)	<b>COMPLAINT AND DEMAND</b>
	)	<b>FOR JURY TRIAL</b>
WALMART INC.,	)	
Defendant.	)	
	)	

COMES NOW Plaintiff, Jennifer Flowers, by and through her attorney of record, Evan D. Stein of Berry Law Firm P.C., L.L.O., and for her cause of action against Defendant hereby states and alleges as follows:

1. Plaintiff is a resident of Lincoln, Lancaster County, Nebraska.
2. Defendant is a foreign corporation registered to do business at 2101 South 11<sup>th</sup> Street, Nebraska City, Nebraska 68410.

**JURISDICTION AND VENUE**

3. That the District Court of Otoe County, Nebraska has subject matter jurisdiction over the parties pursuant to Nebraska law because this action involves Defendant's acts and/or omissions that occurred in Otoe County, Nebraska.

4. Venue is proper in this Court because Defendant's acts and/or omissions are alleged to have occurred in Otoe County, Nebraska.

**FACTS**

5. ProGro was a third-party vendor Defendant hired to do work at its Nebraska City location. Plaintiff worked for ProGro at the time of the incident.

6. On September 1, 2022, and during the course of Plaintiff's work, Plaintiff closed one of Defendant's gates. As she did so, a metal protrusion on Defendant's gate struck Plaintiff in her left ankle.

7. As a result of the metal protrusion on Defendant's gate, Plaintiff sustained severe injuries to her ankle and lower leg area as well as psychological injuries.

8. These injuries include, but are not limited to:

- a. Multiple lacerations to her ankle
- b. Significant blood loss
- c. Tendon damage
- d. Nerve damage
- e. Necessity for exploratory surgery
- f. Significant scar tissue
- g. Anxiety

#### COUNT 1 — NEGLIGENCE

9. As the owner and operator of many shopping centers, Walmart was aware of the peril posed by the metal protrusion of the gate.

10. Walmart was aware that the area of the store traversed by Plaintiff was open and trafficked by employees and third-party vendors.

11. The unreasonable risk of harm presented by the metal protrusion on the gate was a condition which Walmart created, knew of, or by the exercise of reasonable care would have discovered.

12. Walmart should have expected that Plaintiff, a lawful visitor, would not discover or realize the danger presented by the presence of the metal protrusion on the gate or would fail to protect herself from the danger presented by the metal protrusion on the gate.

13. Walmart failed to exercise reasonable care to protect Plaintiff, a lawful visitor, from the danger presented by the metal protrusion on the gate.

14. Walmart failed to exercise reasonable care to protect Plaintiff, a lawful visitor, from the danger presented by the metal protrusion on the gate.

15. The metal protrusion on the gate was the direct and proximate cause of damage to Plaintiff.

### DAMAGES

16. That as a direct and proximate result of Defendant's negligence, Plaintiff sustained damages including but not limited to the following:

- a. Past medical expenses in at least \$138,720.60;
- b. Future medical expenses;
- c. Temporary and permanent physical damages;
- d. Lost wages and job loss in at least \$38,974.32; and,
- e. Past, present, and future general damages in an amount to be determined at trial.


17. Plaintiff hereby makes a demand for a jury trial in this matter.

WHEREFORE, Plaintiff prays for an Order entering a judgment against Defendant for her special and general damages, ordering Defendant to pay Plaintiff's attorney's fees necessary to prosecute this matter, and for any other relief this Court deems just and equitable.

DATED this 18<sup>th</sup> day of April, 2024.

Jennifer Flowers, Plaintiff.

By:



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